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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

THOMAS BRECK,
et al.,

9:17-cv-00036-DLC-JCL

Plaintiffs,

vs.

NOTICE OF APPEAL

COREY STAPLETON,
in his official capacity as
Secretary of State of the
State of Montana,

Defendant.

This is an action under 42 U.S.C. § 1983 to enforce rights guaranteed to the plaintiffs by the First and Fourteenth Amendments to the United States Constitution. At issue is Montana's ballot-access scheme for independent and minor-party candidates as applied to the plaintiffs in the at-large special election called on March 1, 2017, to fill the seat vacated by former Congressman Ryan Zinke upon his confirmation as Secretary of the Interior. That scheme required would-be independent and minor-party candidates to submit 14,268 valid signatures by March 6.

The plaintiffs filed this action on March 22, 2017, ECF No. 1, and they filed a motion for a temporary restraining order and preliminary injunction on the same day, ECF No. 3. The district court held a hearing on the motion on April 4. ECF No. 18. Very late on Saturday, April 8, the district court issued an order granting the motion but limiting the scope of the injunction so that none of the plaintiffs would have any opportunity to appear on the ballot. ECF No. 19.

The plaintiffs hereby give notice that they appeal the scope of the district court's April 8 injunction to the United States Court of Appeals for the Ninth Circuit.

Respectfully submitted this 9th day of April, 2017.

/s/ Bryan Sells*

Georgia Bar No. 635562

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** admitted pro hac vice*

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